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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/441,535	11/16/1999	KARL KLAGHOFFER	GR-98-P-5938	4486
24131	7590	03/18/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			NGUYEN, STEVEN H D	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/441,535

Applicant(s)

KLAGHOFER ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on 12/21/04, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamdi (USP 6205124) in view of Kumar (USP 6163531).

Hamdi discloses a terminal (Fig 8) which comprising a controller for processing signaling information for a point-to-multipoint connection between the multimedia terminal and a plurality

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of terminals (Fig 8, Ref 538 and Fig 2b, Ref 169 is multipoint control unit for processing setup signal between the remote terminal 180 and 188 and the system 151); a mixer, connected to said controller for mixing data streams originating at the multimedia terminal and at the plurality of terminals and for providing data stream mixtures the plurality of terminals and mixer provides to each respective one of the plurality of terminals respective one of the DataStream mixtures including a mixture multimedia terminal and at a respective other one of the plurality of terminals (Fig 1 is a multimedia system comprising a multipoint control unit as show at Fig 2 and Fig 1 of Ref 151 having audio mux and control Ref 169 of Fig 2, See Fig 3, wherein the signals is received from the other terminals and original terminal is mixed by bridge 211, Ref 220, 239 and 238 before transmitting to the other terminals); see col. 6, lines 61 to col. 8, lines 56. However, Hamdi does not disclose a multimedia terminal for telephony based on ITU-T Standard H.323 for setting up a multipoint connection to a plurality of terminals in the preamble for intended use. In the same field of endeavor, Kumar discloses a terminal having a multipoint controller for setup a teleconference based on ITU-323 (See Fig 2a, Ref 220 and 218 and col. 3, lines 22-40)

Since, Hamdi suggests that DSVD multipoint control unit of a terminal using ITU for processing the setup a teleconference between the terminals. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a H.323 terminal for setup a teleconference between terminals as disclosed by Kumar's system into Hamdi's system. The motivation would have been to reduce cost and transmission delay between the terminals.

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4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumar (USP 6163531) in view of Hamdi (USP 6205124).

Kumar discloses a terminal (Fig 2a, Ref 218 and 220) comprises a function module for setting up a multipoint connection to a first terminal and to a second terminal based on ITU-T Standard H.323 (Fig 2a, Ref 218 includes a function module for setting up a teleconference such h.225 and h.245, col. 3, lines 63-65); a controller (Fig 2a, Ref 220 which is a multipoint controller which is implicitly coupled to control module h.245 for processing signaling information between the terminals, See col. 3, lines 55-63), connected to said function module, for processing signaling information for a point-to-multipoint connection between the multimedia terminal, the first terminal, and the second terminal (Fig 2a, 212, 214 and 218). However, in the same field of endeavor, Kumar fails to disclose a mixer, connected to said controller, for mixing datastreams originating at the multimedia terminal, at the first terminal, and at the second terminal and for providing datastream mixtures to the first terminal and to the second terminal and provides to each respective one of the plurality of terminals respective one of the DataStream mixtures including a mixture multimedia terminal and at a respective other one of the plurality of terminals. In the same field of endeavor, Hamdi discloses a multipoint controller which coupled to a mixer for mixing datastreams originating at the multimedia terminal, at the first terminal, and at the second terminal and for providing datastream mixtures to the first terminal and to the second terminal and provides to each respective one of the plurality of terminals respective one of the DataStream mixtures including a mixture multimedia terminal and at a respective other one of the plurality of terminals (Fig 1 is a multimedia system comprising a multipoint control unit as show at Fig 2 and Fig 1 of Ref 151 having audio mux

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and control Ref 169 of Fig 2, See Fig 3, wherein the signals is received from the other terminals and original terminal is mixed by bridge 211, Ref 220, 239 and 238 before transmitting to the other terminals, see col. 6, lines 61 to col. 8, lines 56).

Since, Kumar suggests that a multipoint controller is located within the terminal for establishing a H.323 multipoint conference such three-way conference (it is well known in the art such H.323) and Hamdi suggests the use of V.70 terminal which has a multipoint controller for establishing a multipoint conference between its self and the other two terminals, includes a mixer for mixing its signal with the received signals from other two terminals before transmitting them to each other terminal and it is well known in the art that V.70 terminals exchanges information with a h.323 terminal. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a mixer for mixing the original information that generated at the terminal with the received information from the different terminals and transmitting the mixed information to the other terminals as disclosed by Hamdi's system and method into Kumar's system and method. The motivation would have been to reduce the cost and transmission delay between the terminals.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thom (IEEE) discloses a multimedia communication system wherein the terminals includes H.323, H.324, V.70 etc.


Lee (IEEE) discloses a method and system for implementing of control protocol for multipoint teleconference systems.

Chang (USP 6167033) discloses a method and system which includes a mixer at a terminal for mixing its information and the received information from the other terminals.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Steven HD Nguyen
Primary Examiner
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3/11/05



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